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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/740,942	12/21/2000	Alan D. Nisbet	PAT 332-2	7355

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EXAMINER	
KENNEDY, LESA M	

ART UNIT	PAPER NUMBER
2151	2

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/740,942	NISBET ET AL.	
	Examiner	Art Unit	
	Lesa Kennedy	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 December 2000*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *21 December 2000* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Remarks

1. This action is responsive to the application filed on December 21, 2000. Claims 1-16 are pending examination. Claims 1-16 are directed towards a method and system for retrieving and analyzing performance data for a network environment, and generating a report on identified problems.

Drawings

2. The drawings are objected to because items 22 and 24 in Fig. 1 do not have descriptive labels. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 4-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Garg et al. (U.S. Patent No. 6,182,157).

As to claim 1, Garg teaches:

(i) retrieving operational data from a plurality of network elements (col. 5, line 14; Garg discloses that a network monitor collects data from various devices);

(ii) evaluating the operational data to determine an operational parameter for a given network element (col. 6, lines 24-36; Garg discloses that the collected data includes performance parameters);

(iii) determining if the operational parameter is invalid and flagging the invalid operational parameter (col. 6, lines 12-16; col. 14, line 32; Garg discloses that alarms of different severity are generated when the collected data does not comply with threshold values);

(iv) repeating steps (ii) and (iii) for remaining operational parameters specified for the given network element (col. 4, line 47; Garg discloses that the network monitor is able to monitor various components in a network device);

(v) repeating steps (ii) to (iv) for each of the plurality of network elements (col. 5, lines 14-23; Garg discloses that the network monitor collects data from various network devices); and

(vi) generating a findings report for the plurality of network elements, the findings report listing any of the plurality of network elements determined to have at least one invalid operational parameter, displaying details of the at least one invalid operational parameter, and providing a finding status for the at least one invalid operational parameter (col. 7, lines 13-20; Garg discloses that a problem history is generated for each identified problem).

As to claim 4, Garg teaches the method of claim 1, wherein evaluating the operational data includes processing a network interface command line (col. 12, lines 9-20; Garg discloses that analysis rules (network interface command lines) are applied to the collected data).

As to claim 5, Garg teaches the method of claim 4, wherein determining if the operational parameter is invalid includes determining that the operational parameter is outside predetermined valid operating ranges (col. 12, lines 9-20; Garg discloses that analysis rules compare the collected data to threshold values).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 2-3, 7-11 and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garg et al. in view of Cutrell et al. (U.S. Patent No. 6,141,777).

As to claim 2, Garg teaches the method of claim 1, wherein retrieving the data includes polling the plurality of network elements (col. 6, line 51; Garg discloses that data is collected by polling the network devices).

Garg fails to teach that polling is via a serial connection.

However, Cutrell teaches of retrieving data over a serial connection (col. 4; lines 10-13, 34-37; Cutrell discloses retrieving event information using a modem connection).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Garg in view of Cutrell so as to allow data retrieval using modem. One would be motivated to do so to provide more options for accessing network data.

As to claim 3, Garg teaches the invention substantially as claimed (see rejection of claim 1 above).

Garg fails to teach the limitation of reading static data capture files.

However, Cutrell teaches the limitation of reading static data capture files (col. 4, line 10; Cutrell discloses accessing event data stored in a database).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Garg in view of Cutrell so as to allow the retrieval of stored performance data. One would be motivated to do so to allow a user to analyze performance data at will.

As to claim 7, Garg teaches a computer product comprising:

a computer-useable medium (col. 16, line 64; computer-readable medium);

an evaluation module for evaluating the operational data to determine operational parameters for the plurality of network elements, for determining if the determined operational parameters are invalid, and for flagging the invalid operational parameters (col. 6, lines 24-36; Garg discloses that the collected data includes performance parameters; col. 6, lines 12-16; col. 14, line 32; Garg discloses that alarms of different severity are generated when the collected data does not comply with threshold values); and

a reporting module for generating a findings report for the plurality of network elements, the findings report listing any of the plurality of network elements determined to have at least one invalid operational parameter, displaying details of the at least one invalid operational parameter, and providing a finding status for the at least one invalid operational parameter (col. 7, lines 13-20; Garg discloses that a problem history is generated for each identified problem).

Garg fails to teach the limitation of a data capture module stored on the computer-useable medium for retrieving operational data from a plurality of network elements via a serial connection, and for storing the operational data in data capture files.

However, Cutrell teaches the limitation of a data capture module stored on the computer-useable medium for retrieving operational data from a plurality of network elements via a serial connection, and for storing the operational data in data capture files (col. 2, line 66 – col. 3, line 4; col. 4, lines 34-37, 50-63; Cutrell discloses using a modem connection to retrieve and store network data).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Garg in view of Cutrell so as to store performance data retrieved via a modem. One would be motivated to do so to provide a user with more options for accessing network data, and to allow the user to analyze performance data whenever at will.

Claims 8-11 represent computer program product claims that correspond to method claims 2-5, respectively. They do not teach or define any new limitations above claims 2-5, and therefore are rejected for similar reasons.

Claim 13 represents a system claim that corresponds to computer program product claim 7. It does not teach or define any new limitations above claim 7, and therefore is rejected for similar reasons.

Claims 14-16 represent system claims that correspond to method claims 2 and 4-5, respectively. They do not teach or define any new limitations above claims 2 and 4-5, and therefore are rejected for similar reasons.

Claims 6 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garg et al. in view of Wu et al. (U.S. Patent No. 5,617,533).

As to claim 6, Garg teaches the invention substantially as claimed including:

f) processing the network interface command line to determine if operational parameters for the given network element are outside valid predetermined operating ranges (col. 12, lines 9-20; Garg discloses that analysis rules compare the collected data to threshold values);

g) creating a network element findings file for findings of operational parameters that are outside said valid predetermined operating ranges (col. 14, line 31; Garg discloses that the data analysis module generates information about detected alarm conditions);

h) repeating the steps for all network element data files in said network to create a findings file for each network element (col. 5, lines 14-23; Garg discloses that the network monitor collects data from various network devices); and

i) creating a summary findings file and writing said network element findings files to the summary findings file to provide a report listing any of the plurality of network elements determined to have findings, displaying details of the findings, and providing a finding status for

each finding (col. 7, lines 13-20; Garg discloses that a problem history is generated for each identified problem).

Garg fails to teach the limitations of entering a directory location for network element data files, retrieving a network element data file for a given network element from the directory location, verifying that the network element data file is valid, opening the network element data file and reading a network interface command line, and verifying that the network interface command line is valid.

However, Wu teaches these limitations. Wu teaches:

a) entering a directory location for data files (col. 11, line 46; Wu discloses determining the location of external input files);

b) retrieving a data file from the directory location (col. 11, line 55; Wu discloses retrieving the external input files);

c) verifying that the data file is valid (col. 11, line 55; Wu discloses that the external input files are relevant);

d) opening the data file and reading a network interface command line (col. 12, line 54; Wu discloses reading the rules (network interface command lines) specified in the external input files);

e) verifying that the network interface command line is valid (col. 10, lines 46-56; Wu discloses that exception entries are used to indicate rules are not valid).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Garg in view of Wu so as to validate network data and requirements before performing

an analysis. One would be motivated to do so to ensure accuracy when verifying the conformity of network devices to network requirements.

Claim 12 represents a computer program product claim that corresponds to method claim 6. It does not teach or define any new limitations above claim 6, and therefore is rejected for similar reasons.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lesa Kennedy whose telephone number is (703) 305-8865. The examiner can normally be reached on Monday - Friday, 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703) 305-4792. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Lesa Kennedy
Art Unit 2151

Andrew Caldwell
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